

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,
et al.,**

**Plaintiffs and
Counterclaim Defendants,**

v.

**PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC., et al.,**

**Defendants and
Counterclaim Plaintiffs.**

Case No. 4:16-cv-02163

**COUNTERCLAIM PLAINTIFFS' MOTION FOR A TELEPHONIC STATUS
CONFERENCE OR, IN THE ALTERNATIVE, FOR A HEARING**

Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott (collectively, "Plaintiffs") request a telephonic status conference or, in the alternative, a hearing to address Counterclaim Defendant Connie Braun Casey's ("Casey") obstruction of discovery and apparent withdrawal from her defense. Casey has failed to oppose several of Plaintiffs' motions pending before the Court, has not responded to Plaintiffs' requests to meet and confer regarding outstanding discovery, and has not responded to Plaintiffs' request to stipulate to the dismissal of Counterclaim Defendant Vito Stramaglia.

Casey has not filed any opposition to Plaintiffs': (1) Motion to Compel the Deposition of Casey [ECF Nos. 96-97]; (2) Motion to Compel the Inspection of Casey's Premises [ECF Nos. 94-95]; (3) Second Motion to Compel Discovery from Casey [ECF Nos. 92-93]; and (4) Motion for Entry of Default Judgment against Casey [ECF Nos. 68-69]. Pursuant to the Local Rules of this Court, "each party opposing a motion *shall file*, within seven (7) days after being served with the motion, a memorandum containing any relevant argument and citations to authorities on which

the party relies.” Local Rule 7-401(B) (emphasis added). These “motion[s] appear[] to be well-taken, particularly in view of [Casey’s] failure to oppose” them. *See Jireh Consulting, Inc. v. United States*, No. 4:04CV1649-DJS, 2005 WL 1474134, at *1 (E.D. Mo. June 16, 2005), *aff’d sub nom. Jireh Consulting v. Ross*, 192 F. App’x 563 (8th Cir. 2006).

Casey has also declined to otherwise continue her participation in this litigation. As indicated in the pending motions to compel discovery, counsel for Casey did not attend a conference scheduled pursuant to Local Rule 37-3.04 to attempt to resolve those issues, nor respond to subsequent attempts to reschedule that conference. [See ECF Nos. 94-2, 96-2.] While Casey’s counsel informed Plaintiffs’ counsel that they had been instructed by Casey “to conduct no other work on this case besides potentially settling this matter, including any discovery,” even assuming such conduct were proper, Casey has since made no attempt to settle this matter or even respond to Plaintiffs’ good faith efforts to negotiate. Indeed, Casey has not even responded to Plaintiffs’ several requests—in emails and voicemail—to stipulate, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, to the dismissal of Counterclaim Defendant Jane Doe 2 a/k/a Vito Stramaglia pursuant to a private agreement reached between Plaintiffs and Mr. Stramaglia.

Plaintiffs are substantially prejudiced by Casey’s conduct. Pursuant to the Amended Case Management Order entered in this case, Plaintiffs are required to provide their expert reports in less than one month, by September 14, 2018 [ECF No. 54], yet have been deprived of the most basic discovery—including Casey’s deposition and inspection of the chimpanzees and the location in which they are held.

Accordingly, Plaintiffs respectfully request that this Court schedule a telephonic status conference or, in the alternative, a hearing for the parties to address these outstanding issues.

Dated: August 17, 2018

Respectfully submitted,

/s/ Jared Goodman

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(Admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I certify that on August 17, 2018, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served to the following:

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And was served by regular mail on the following:

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/s/ Jared S. Goodman